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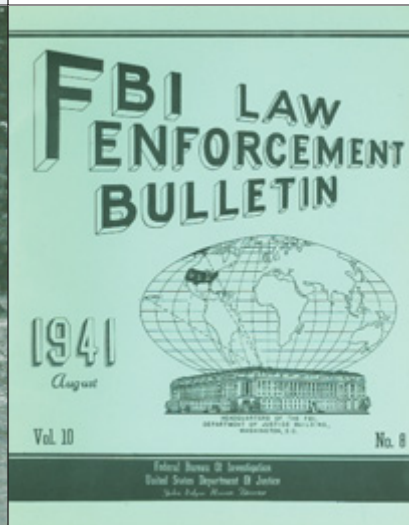
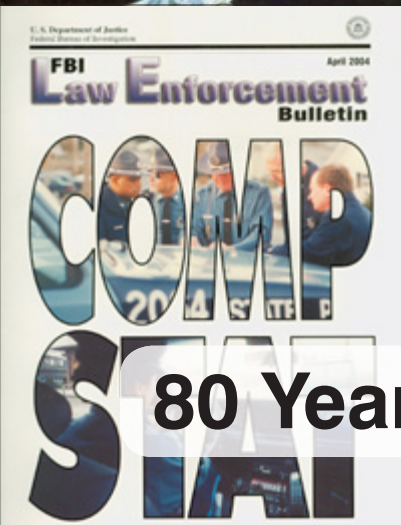
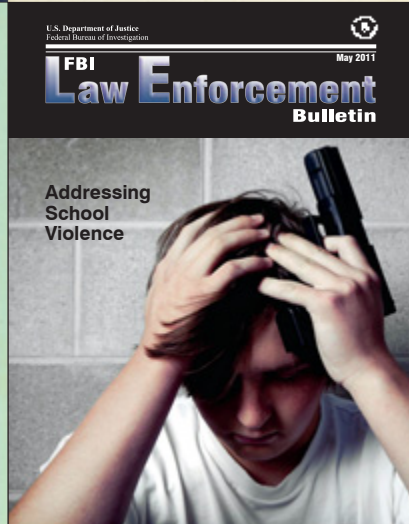
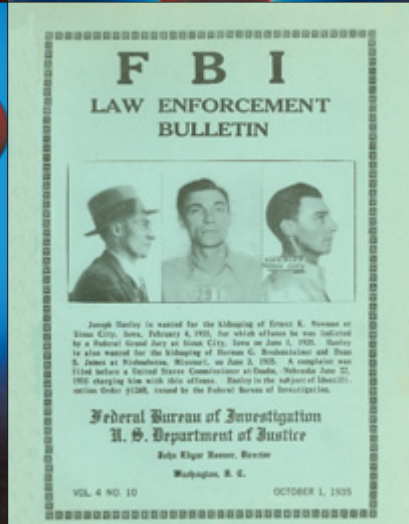


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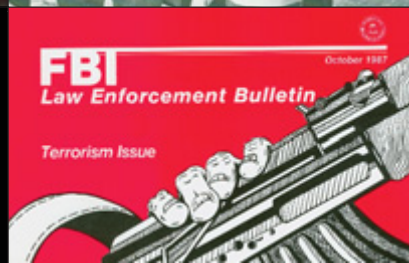
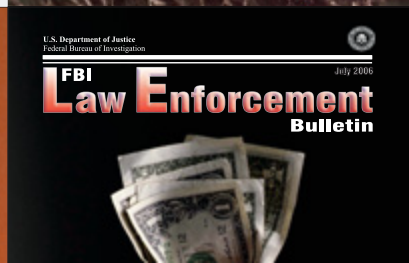
# FBI Law Enforcement Bulletin

Protecting  
America's  
Roadways

Employee  
Wellness



80 Years of Print







# FBI Law Enforcement Bulletin

December 2012  
Volume 81  
Number 12

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Robert S. Mueller III  
Director

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# FBI Law Enforcement Bulletin

## *A History*

Since 1935 the FBI has provided information on current law enforcement issues and research in the field to the larger policing community through the *FBI Law Enforcement Bulletin*. Just as the FBI has adapted over the years to address the changing needs of the criminal justice community, the *Bulletin* continues changing to reach a more mobile and widespread audience. The current issue of the *Bulletin* will be the final hard-copy edition, ending nearly 80 years in that format.

The *Bulletin* will continue to deliver peer-reviewed articles submitted by a wide range of authorities, including subject matter experts, national security liaisons, officers and agents in the field, and legal instruction advisors. Beginning January 2013, these articles will be available exclusively online at <http://www.fbi.gov>. A brief history of the *Bulletin* explains its effort to help law enforcement professionals better understand and combat security threats facing the United States and protect and defend citizens.

### Beginning



In October 1932 the Bureau of Investigation began publishing a monthly magazine of fugitive write-ups titled *Fugitives Wanted by Police*. In October 1935 after the Bureau of Investigation became the Federal Bureau of Investigation, the publication was renamed the *FBI Law Enforcement Bulletin* and added brief articles noting advances in police science to its fugitive write-ups. As the 1930s continued to witness a renaissance of American policing marked by increased professionalism and growth of the forensic sciences, the *Bulletin* served

as a primary resource for disseminating information throughout the law enforcement community.

### Forties and Fifties

After the attack on Pearl Harbor, the United States joined the Allied war effort against the Axis Powers. Like all segments of society, policing changed dramatically during the war years.

Throughout the war era, the *Bulletin* provided law enforcement



officials with information related to national defense, scientific aids, and police training. As the American economy expanded during the postwar years, unparalleled growth led to profound changes for the law enforcement community. In its pages the *Bulletin* addressed the major issues of the time, including rising levels of juvenile delinquency and policing's role in maintaining national security.



### Sixties and Seventies

In the 1960s the *Bulletin* chronicled a decade of intense social change. In addition to advances







in the forensic sciences, articles focused on such topics as the growing drug culture and police response to civil disturbances. During the 1970s the *Bulletin* featured articles that promoted the evolving emphasis on education in policing, as well as changes in tactics and hiring practices embraced by the nation's law enforcement agencies.

### Eighties and Nineties

During the 1980s the *Bulletin* further established itself as a primary training resource for law enforcement administrators in agencies throughout the nation and the world. During the decade, the *Bulletin* featured articles on a broad array of scientific, technological, and strategic advances that would prove to have a dramatic affect on law enforcement. In the 1990s the *Bulletin* embraced new technologies to reach a wider and more diverse readership. In 1991 it became one of the first law enforcement-related publications to go online and provide electronic versions of the magazine for viewing on the Internet.

### Today and the Future

Today the *FBI Law Enforcement Bulletin* remains one of the most widely read law enforcement-related publications in the world. Each month

law enforcement administrators in more than 105 countries receive copies. Given the high "pass-around" rate of the printed copies, as well as its online presence, the *Bulletin* has an estimated readership of over 200,000 criminal justice professionals each month.



The *Bulletin* has become an extension of the work of the FBI Training Division. While the FBI hosts over 3,000 law enforcement specialists each year at the Training Academy at Quantico, many others within the criminal justice system have benefited from the information shared by subject matter experts from all aspects of the law enforcement community who have provided information and instruction in the pages of the *Bulletin*.



Its mission remains strong—to inform, educate, and broaden the criminal justice community's understanding of current issues facing law enforcement. For 80 years the *Bulletin* has served this community and will continue to do so in the challenging days ahead through its Web site, <http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin>.





# ***Vigilance Fatigue in Policing***

## ***A Critical Threat to Public Safety and Officer Well-Being***

By MEREDITH KRAUSE, Ph.D.

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*The price of freedom is eternal vigilance and a willingness to act in its defense.*

—George P. Shultz,  
former U.S. Secretary of State

**I**n the decade since 9/11, terrorism has entered the information age to challenge the work of first responders, police managers, and decision makers. The attacks raised fundamental questions about America's safety and resulted in a renewed focus on domestic security. In turn it fostered an emphasis on proactive and preventive, rather than reactive, strategies to combat terrorist threats.

The absence of a subsequent major attack on U.S. soil over

the past decade has contributed to a renewed sense of security. However, the emergence of competing crises, like the global economic crisis and domestic recession, has brought about a reexamination of the sustainability, credibility, and utility of many post-9/11 security strategies. While this effort has attempted to balance security needs with the limitations posed by budgets, legal requirements, public support, and threats to U.S. interests, it has overlooked a critical risk to effective threat



analysis and management. This phenomenon is described best as “vigilance fatigue,” or the failure to accurately perceive, identify, or analyze bona fide threats due to 1) prolonged exposure to ambiguous, unspecified, and ubiquitous threat information; 2) information overload; 3) overwhelming pressure to maintain exceptional, error-free performance; and 4) faulty strategies for structuring informed decision making under conditions of uncertainty and stress.<sup>1</sup>

## DEFINING THE CONCEPT

Vigilance fatigue threatens persons and organizations tasked with processing large amounts of data, identifying risks or irregularities, and responding to perceived threats.

A comprehensive review of medical, law enforcement, and business literature reveals only passing acknowledgements of this concept. The few existing references associate vigilance fatigue with errors in decision making due to physical fatigue or “change blindness,” described as a failure to recognize data changes because of continual scanning by eye.<sup>2</sup> While the concept of vigilance fatigue proves worthy of further development, its complexity and relevance to policing, intelligence, and military operations have yet to be explored.

A full definition of vigilance fatigue must consider an array of closely associated skills, abilities, and behaviors, all of which contribute to a capacity for sustained vigilance in dynamic environments. This

recognizes the ways in which attention, situational awareness, and decision-making processes affect the concept’s functionality. These attentional resources include capacity for selective attention and alternating attention, often limited by working memory abilities and the presence of distractions. A model of sustained vigilance (figure 1) also points to the ways in which cognitive biases and reliance upon heuristics may degrade vigilance and jeopardize accurate threat detection and assessment, especially when someone faces excessive or questionable information.<sup>3</sup>

## DESCRIBING AND UNDERSTANDING VIGILANCE FATIGUE

A range of factors contribute to a person’s immunity to vigilance fatigue. These include the issues or aspects unique to the individual engaged in monitoring, the context in which this undertaking occurs, and the nature of the task itself. Based on a review of research in the areas of cognitive psychology, social psychology and group dynamics, decision making and risk assessment, signal detection theory, and human ergonomics, figure 2 summarizes the factors that may foster vigilance fatigue.

### Individual Factors

The range of factors included in figure 2 illustrates the



*Dr. Krause is a consulting and clinical psychologist with a psychology firm in Stafford, VA.*

“

***[Vigilance fatigue] poses a constant but unseen risk to threat detection and mitigation....***

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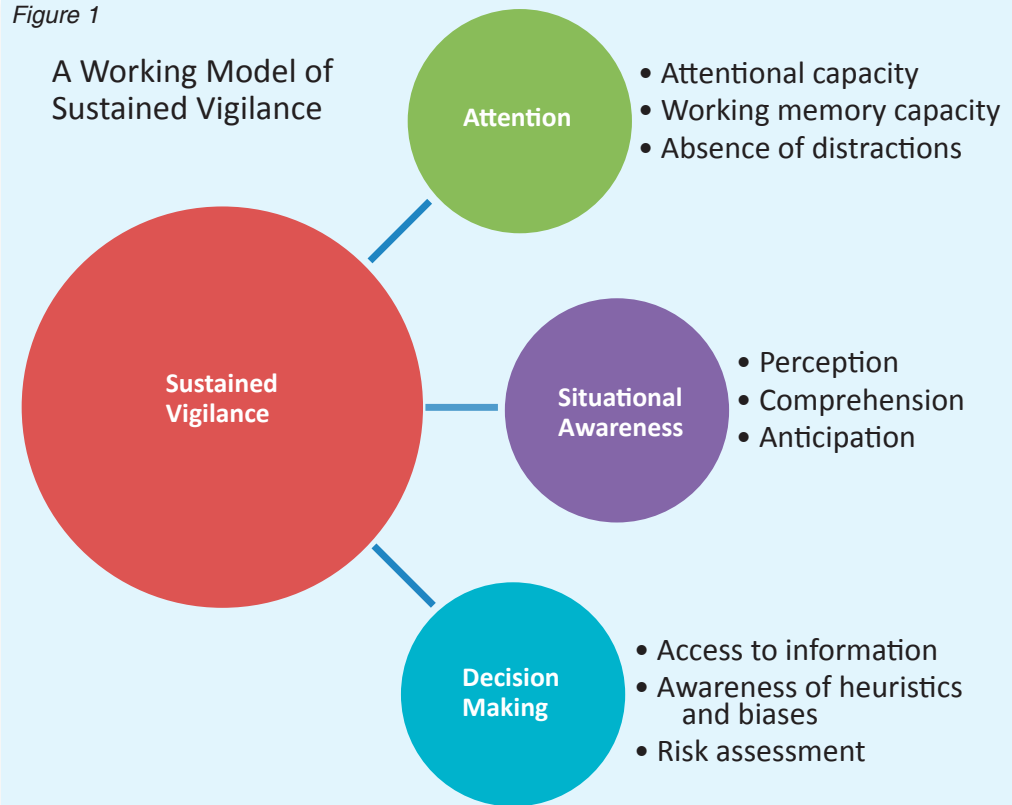


complex interaction between a person's cognitive style, emotional functioning, physical status, professional expertise, and coping skills. Basic physical requirements, such as rest and alertness, emerge as the core foundation on which more nuanced factors meet. Cognitive style, decision making approaches, and subject matter experience interact with person/job variables, like engagement and satisfaction, to provide an ideal level of vigilance. Research has demonstrated the adverse impact of fatigue on alertness and threat detection, memory function, cognitive capacity and accuracy of individuals and teams, reaction times, and occupational performance and safety.<sup>4</sup>

These adverse impacts are most apparent during the first 2 to 3 days of sleep deprivation. This finding has clear implications for law enforcement personnel assigned to rotating shift work.<sup>5</sup> While research has confirmed the detrimental nature that sleeplessness and fatigue pose to vigilance, other researchers have emphasized the role of cognitive underarousal (boredom) or overarousal (overload) in contributing to lapses in attention and performance.<sup>6</sup> Additional research has pointed to monotony as contributing to impaired vigilance, independent of the effects of fatigue and time on a task.<sup>7</sup>

Figure 1

### A Working Model of Sustained Vigilance



Extended task duration can worsen the effects of monotony on vigilance fatigue. It reduces attention, vigilance, and accuracy while simultaneously increasing perceived workload, subjective stress, and task disengagement.<sup>8</sup> Other research has confirmed the role of chronic and acute stress, including professional burnout, in disrupting perception (e.g., tunnel vision), reducing reaction time, impairing memory, and degrading logical reasoning.<sup>9</sup>

Alternative explanations for degraded vigilance have focused on the role of cognitive heuristics in leading to faulty conclusions, especially

in the face of the overwhelming amounts of data, conflicting information, or novel data characteristic of police investigations and intelligence analysis.<sup>10</sup> This impact may be complicated further by individuals' tolerance for risk and decision-making error, as well as their desire to avoid the criticism, scrutiny, guilt, or embarrassment associated with faulty judgment.<sup>11</sup> Together with complacency, professional entrenchment, and isolation from dissenting opinions, these dynamics may lead to selective attention to data, overinflated confidence in its quality, and flawed decision making based on it.<sup>12</sup>



Figure 2

## Common Determinants of Vigilance Fatigue in Individuals

Individual/Intrapersonal Factors	Contextual/Environmental Factors	Task-Specific Factors
<ul style="list-style-type: none"> <li>• Boredom proneness (↑)</li> <li>• Extended span of attention (↓)</li> <li>• Smooth visual scanning/pattern recognition skills (↓)</li> <li>• Reliance upon cognitive heuristics (↑)</li> <li>• Risk tolerance (↕)</li> <li>• Subject matter expertise (↕)</li> <li>• Negative affect (e.g., anxiety, worry, depression, anger) (↑)</li> <li>• Job dissatisfaction/burnout (↑)</li> <li>• Job commitment/engagement (↓)</li> <li>• Intrinsic motivation (↓)</li> <li>• Physical/mental fatigue and sleep deprivation (↑)</li> <li>• Access to social support (↓)</li> <li>• Stress tolerance and coping skills (resilience) (↓)</li> <li>• Appropriate use of leave/respice (↓)</li> </ul>	<ul style="list-style-type: none"> <li>• Access to tools designed to support information processing and decision making (↓)</li> <li>• Stress and arousal level (↕)</li> <li>• Adequate staffing/resource levels (↓)</li> <li>• Thoughtful shiftwork management (↓)</li> <li>• Presence of groupthink (↑)</li> <li>• Group/office cohesion (↓)</li> <li>• Management support (top cover) (↓)</li> <li>• Assertive approach to managing errors and risk (↓)</li> <li>• Training opportunities (↓)</li> <li>• Physical environment (overall comfort level and attention to ergonomics) (↓)</li> <li>• Integrated and informed policy and procedure (↓)</li> <li>• Lack of access to feedback regarding the accuracy of decisions (↑)</li> </ul>	<ul style="list-style-type: none"> <li>• Information/data overload (↑)</li> <li>• Low base rate (rare) targets/outcomes (↑)</li> <li>• Time pressure to complete task (↑)</li> <li>• Presence of complex data/tasking (↑)</li> <li>• Level of task monotony (↑)</li> <li>• Access to high-quality data (↓)</li> <li>• Presence of novel data (↑)</li> <li>• Presence of ambiguousness or contradiction (↑)</li> <li>• Presence of emotionally charged information (↑)</li> <li>• Maturity of tradecraft (↓)</li> </ul>

(↓) - Factors that typically decrease the risk for vigilance fatigue

(↑) - Factors that typically increase the risk of vigilance fatigue

(↕) - Factors that require careful balancing because extremes will contribute to compromised vigilance

While sizeable research has underscored the negative impact of stress on vigilance, an emerging body of analysis has pointed to the power of resilience factors in improving the effects of stress.<sup>13</sup> These factors include adaptive personality traits, positive attitudes and beliefs, and social connections. Additionally, they may be enhanced by

strategies designed to optimize performance, such as promoting physical comfort and giving access to collaboration and competing hypotheses.

### Contextual and Environmental Determinants

The center column of figure 2 outlines contextual and environment-specific factors

that can determine vigilance fatigue. These factors require a focused and informed approach that provides for both the basic and complex needs of personnel engaged in sustained monitoring, analysis, and decision-making tasks. The provision of tools, systems, and strategies for personnel can enable them better to process



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and present information, reduce cognitive and information overload, and structure informed decision making.<sup>14</sup> Examples of decision-support systems include mathematical modeling and algorithmic solutions, visualization models and tools, data-mining programs and data-fusion approaches, software programs based on cognitive-systems engineering approaches, and hardware solutions, such as voice analysis, thermal imaging, closed-circuit surveillance, and automated security screening, designed to assist with threat detection.<sup>15</sup> These supports, together with ongoing training and standardized procedures for information collection and analysis, are instrumental to the effective functioning of personnel.

Decision-support systems and procedural guidance also benefit from initiatives concerning policy and leadership. These initiatives aim to clarify expectations regarding risk and error tolerance, strategies for managing fallout from vigilance failures, and plans for promoting individual engagement and accountability. Effective staffing practices, such as limiting overtime work requirements and thoughtfully administrating the shiftwork schedule, may promote individual engagement and commitment. Another promising factor exists

in supporting integrated work environments that promote collaborative, cohesive, and mutually supportive approaches to sustained vigilance.

### **Task-Specific Elements**

The final class of threats to sustained vigilance resides in the nature of tasks and the quality and quantity of involved data. Information overload becomes a critical contributor to vigilance fatigue by creating

***Poor data quality further erodes confident and accurate analysis and synthesis, as does increased time pressure and task complexity.***

data and cognitive clutter, fostering workload bottlenecks, and impacting an individual's ability to detect significance in data.<sup>16</sup> Overload-related issues are complicated further in cases where the data is novel, ambiguous, complex, or conflicting. These circumstances undermine the utility of tried-and-true cognitive schema, expert systems, heuristics, and

synthesis strategies and reduce decision-making certainty and confidence.<sup>17</sup> Poor data quality further erodes confident and accurate analysis and synthesis, as does increased time pressure and task complexity.<sup>18</sup> The presence of emotionally charged information also may preclude logical or systematic analysis.

Vigilance fatigue becomes particularly troublesome when individuals must face data-specific challenges in pursuit of rare or low-base-rate phenomena or outcomes, such as large-scale terrorist attacks. The challenges associated with identification of these phenomena have been addressed at length by forensic psychologists, clinicians, and researchers interested in the prediction of violence, practice of probabilistic risk assessment, and value of actuarial supports to decision making under uncertainty.<sup>19</sup> These professionals have conceded that rare outcomes are inherently more difficult to predict accurately due to prevailing laws of probability.

Data- and task-specific challenges may be mitigated in cases where individuals are guided by a mature tradecraft. To facilitate clear communication, these tradecrafts must be characterized by reliable methods of information collection and analysis, validated standards of practice, and an established and





standardized lexicon.<sup>20</sup> While established tradecrafts must remain nimble enough to respond to emerging threats and trends, they are invaluable in fostering consistency in training and effective professionalism.

## IMPLEMENTING STRATEGIES

### Policy and Practice

Vigilance fatigue affects individual functioning and safety in a law enforcement setting, but it also may be impacted significantly by policies and practices implemented at the organizational level. It is a dynamic and ubiquitous threat that warrants consistent monitoring by individuals and their colleagues, supervisors, and agency leaders. This monitoring must move beyond a focus on individual performance reviews and organizational

climate surveys to a holistic and recurring consideration of the interplay between individual, environmental, task-specific, and organizational factors. Consideration may take the form of a structured agency assessment informed by a continual quality improvement approach or a more informal but focused assessment of individual and organizational proneness to vigilance fatigue.

This ongoing monitoring and assessment practice requires a high level of transparent communication up and down the chain of command. It also depends upon a shared commitment to identifying and tackling factors that may degrade vigilance fatigue and put police personnel and the general public at risk. Management commitment to such an effort depends on implicit and explicit endorsement of proactive selection, training,

assignment and reassignment, and promotion policies. All of these may facilitate the hiring of qualified candidates with the basic skills and aptitudes required. In turn, this leads to the development and retention of a knowledgeable workforce capable of recognizing and mitigating vigilance fatigue and the assignment of personnel to activities optimally suited to their vigilance capacity. These initiatives, together with a focus on a work environment that maximizes vigilance through policy, practice, and physical design, may serve to inoculate against vigilance fatigue's effects.

### Training

The training initiatives informed by research findings and technological advancements can help organizations discover new theoretical and practical perspectives for understanding and managing vigilance fatigue. Basic training designed to introduce the concept will provide the foundation to develop more advanced learning to address the particular needs of the training audience. The U.S. Army Center for Enhanced Performance has incorporated such specialized training into its Performance Enhancement Education Model, which attempts to optimize performance under stress by honing attention



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control, goal setting, energy management, and visualization skills while boosting overall confidence and fostering resilience.<sup>21</sup>

The focus on attention control and energy management skills has direct application to vigilance fatigue. It presents psychological concepts in a way that meets the needs of personnel and minimizes resistance due to perceived stigma or cultural dogma regarding acceptance of psychological services. Successful and effective training on this concept will sensitize not only police officers and their agencies but also security and intelligence organizations to the threat posed by vigilance fatigue. They will be given new frameworks for understanding, identifying, and challenging the cognitive, behavioral, and organizational dynamics that fuel failures in vigilance and decision making.

### Technological Development

Given a large amount of incoming data and the limitations of human cognition and decision making, advancing technologies hold considerable promise for combating vigilance fatigue. Research and experience suggest that decision-support tools designed to improve information processing, highlight patterns and irregularities, and apply different areas of

knowledge may be critical in boosting vigilance and enhancing responses to bona fide threats. Decision-support tools successfully have guided police responses to domestic violence calls, child abuse and neglect cases, and violence risk predictions and may prove promising in other arenas.<sup>22</sup>

In the realm of surveillance and security operations, facial and feature recognition software, augmented displays

***“Research and experience suggest that decision-support tools...may be critical in boosting vigilance and enhancing response to bona fide threats.”***

(which facilitate recognition by overlaying data to highlight patterns and deviations), visual analytics (that present relationships, such as social network analysis), and cue filtering technologies (which remove visual or auditory distractions to ease target recognition) warrant continued development and deployment to minimize the physical and mental burdens associated

with tasks requiring sustained vigilance. To temper expectations regarding the application of these technological developments, it is critical to emphasize the impossibility of a single “magic bullet” solution. Instead, complex responses that blend technological advancements and human judgment must be accepted, in turn, encouraging movement away from comfortable but ineffective approaches to managing complex decision making under conditions of risk and uncertainty.

### CONCLUSION

Vigilance fatigue warrants comprehensive consideration by agencies and individuals engaged in sustained surveillance, threat detection, risk assessment, and decision making under uncertainty. While it poses a constant but unseen risk to threat detection and mitigation, it is a product of known factors at the individual and organizational levels. These factors, often contextual or task-specific in nature, can be mitigated by applying personnel selection and development strategies, operational and technological supports, organizational development and leadership strategies, and training initiatives designed to assess points of vulnerability and avoid potentially catastrophic lapses in intelligence, security,



and law enforcement efforts.<sup>23</sup> Confronting the problem of vigilance fatigue in this manner may encourage individuals and organizations to move beyond the status quo and consider proactive countermeasures designed to bolster vigilance in their tasks. ♦

#### Endnotes

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<sup>7</sup> Rebecca L. Michael and Renata Meuter, "Sustained Vigilance and Hypovigilance: The Effect of Environmental Monotony on Continuous Task Performance and Implications for Road Safety" (paper presented at the Australasian Road Safety Research, Policing, and Education Conference, 2006).

<sup>8</sup> Joel S. Warm, Raja Parasuraman, and Gerald Matthews, "Vigilance Requires Hard Mental Work and Is Stressful," *Human Factors* 50, no. 3 (June 2008): 433-441.

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<sup>21</sup> The Web site for the U.S. Army Center for Enhanced Performance, <http://www.acep.army.mil>, offers additional details on this training approach. The Human Performance Resource Center is a U.S. Department of Defense entity. Its Web site [www.humanperformanceresourcecenter.org](http://www.humanperformanceresourcecenter.org) also may be of interest for this topic; and Gregory A. Burbelo, "Army Center for Enhanced Performance (ACEP) Executive Summary" (memorandum for record, U.S. Military Academy, West Point, NY, October 8, 2009).

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<sup>23</sup> The opinions, findings, and conclusions expressed in this manuscript are based on an unclassified, open-source literature review and do not necessarily reflect the official policy or position of the U.S. Department of Defense or of the U.S. government.

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*Dr. Krause welcomes readers' questions and comments at*  
[MSKrausePhD@gmail.com](mailto:MSKrausePhD@gmail.com).

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## **Attention**

*Homicide, Missing Persons, and Crime Analysis Units*

### *Unidentified Female Found 11/14/2007 in LaVergne, Tennessee*



*This is a lifelike computer-generated image rendering created by Louisiana State University, Baton Rouge. Reference number is LSU 12-03. Age and height are approximates. Do not eliminate a victim strictly based on these attributes.*

**Race:** Black (possibly mixed descent)

**Sex:** Female

**Age:** 30 to 45

**Height:** 5'5" to 5'6" (65" to 66")

**Weight:** Undetermined

**Hair:** Brown/short

**Eyes:** Unknown

**Clothing:** None found with body

**Jewelry:** Stretch bracelet (made in 2003) displaying pictures of cats, ceramic beads bracelet with dark cord, and gold-plated ring with light blue and amber colored stones.



**O**n 11/14/2007 the unidentified skeletal remains of a black female were discovered in a remote wooded area in LaVergne, Tennessee. Estimates place the time of death at around spring or summer 2007. No clothing was located, but items of jewelry were found. The victim had some dental work completed. Additional information regarding this victim is available through the National Missing and Unidentified Persons System (NamUs), case report number UP#5281.

To provide or request additional information, please contact Detective Bob Hayes, LaVergne, Tennessee, Police Department, at 615-287-8667 or [bhayes@laveragnetn.gov](mailto:bhayes@laveragnetn.gov) or the FBI's Violent Criminal Apprehension Program (ViCAP) at 800-634-4097 or [vicap@leo.gov](mailto:vicap@leo.gov).

Contact ViCAP for information on how your agency can obtain access to the ViCAP Web National Crime Database and view this case.

# Police Practice



## *In Pursuit of Cooperation Idaho Police Agencies Join Together*

By Mike Masterson and Gary Raney, M.A.

Cooperation among police chiefs and sheriffs dedicated to officer and public safety impacts change and improves areas where obstacles sometimes occur. For these reasons, southwest Idaho, with 22 law enforcement jurisdictions and a population of over one-half-million people, implemented the Pursuit Policy Memorandum of Agreement (MOA).

Boise, the state capital and home to Boise State University, is a fast-growing city of over 200,000 people. Located in Ada County, which has 392,000 metropolitan area residents, Boise shares boundaries and impact areas with five other cities. Due to the close proximity, vehicle pursuits initiated by one agency may travel through several jurisdictions and involve multiple police departments.

The Ada County Sheriff's Office, Boise Police Department, Meridian Police Department, Garden City Police Department, and Idaho State Police

have a long-established, amiable, and cooperative working relationship. These organizations depend on each other out of necessity. With Salt Lake City, Utah, being a 5-hour drive and Portland, Oregon, an 8-hour drive away, Ada County is one of the most isolated metropolitan areas in the country.

Several years ago the Critical Incident Task Force was established, formalizing interagency cooperation. Recently, through a cooperative agreement, Ada County agencies agreed to share a records management system and incident report writer.

### **Addressing the Issues**

In the past, problems occurred during multi-agency pursuits and major incidents due to miscommunication and unclear responsibilities. Ada County law enforcement executives met to address

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## Participating Jurisdictions



information sharing and potential officer and public safety dangers. They initially focused on three main issues: 1) How should agencies communicate as a pursuit moves across jurisdictions?; 2) Who will be in charge as various commands join and leave the chase?; and 3) What department is going to have the authority and responsibility to terminate the event?

To further interagency cooperation, supervisors meet regularly as a multiagency coordination law enforcement (MAC-LE) group. MAC-LE is a combined effort of local law enforcement organizations training on multijurisdictional incidents. Supervisors attend quarterly sessions that include participation in large incident debriefs and development of multiagency response guidelines.

Sixty captains, lieutenants, and sergeants participate in the MAC-LE meetings where vehicle pursuits regularly are discussed. The group discovered that each agency used different language to describe the pursuit process. With other staff they coordinated an interagency process to establish common understanding of pursuit responsibility, communication, and authority. After meeting for 6 months, the group reestablished the Treasure Valley Cooperative Pursuit Policy, which involves five sheriff's departments, the Idaho State Police, and 16 city law enforcement agencies.

## Developing the Plan

To eliminate confusion, the policy establishes standard definitions. The organization initiating the chase is considered the initial pursuing agency. The department that has primary authority at a particular location along the pursuit path is referred to as the jurisdictional agency.

Each agency establishes and maintains its own pursuit policy. If a conflict arises between the MOA and an organization's existing policy, the other executives who signed the agreement are contacted to collaborate on MOA revisions.

If a pursuit continues out of a police organization's jurisdiction, control remains with the initial pursuing agency until the chase ends or the jurisdictional department takes charge. The initial agency in pursuit may give up control and become a supporting entity if the jurisdictional department accepts authority and has units available to safely assume the pursuit. If the jurisdictional department declines control, it becomes the support unit. The initial pursuing agency takes custody of prisoners, provides information, and takes responsibility for all arrest charges unless the severity of actions outweighs the practicality of that approach.

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Under this agreement pursuing officers retain responsibility for determining continuation or termination of a pursuit. However, the incident commander orders the termination. Individual departments and officers can end their involvement if it is contrary to their specific pursuit policies. This information promptly is conveyed to the involved units and the incident commander to ensure appropriate tactical decisions are made.

### **Determining Authority**

The incident commander usually is a commissioned officer assigned to the initial pursuing agency who has authority to direct actions, is not directly involved in the pursuit, and is at the supervisory or command level. This leader determines whether to terminate resources and specific tactics. The commander's identification is broadcast to all necessary agencies and officers.

Regardless of the agencies involved, the incident commander has authority over the pursuit. When a chase is initiated that leads into another jurisdiction, the commander instructs dispatchers to designate a primary radio channel for the pursuit. The initial pursuing agency provides information, including the initial crime, aggravating factors, and the need for immediate apprehension. This enables agencies to make fact-based decisions regarding the pursuit.

### **Retaining Liability**

All enforcement powers; privileges and immunity from liability; exceptions from law, ordinances, and rules; and pension, relief disability, worker's compensation, and other benefits are not affected when law enforcement officers are performing their duties under an agreement like this. Each agency retains and assumes liability for the acts or omissions of its officers and holds each other harmless from damages.

### **Conclusion**

This policy cannot address every situation; however, it provides a basic agreement on issues

that can cause trouble or jeopardize officer and public safety. The discussions held at the agencies' operational levels are as important as what is written. The process brings the patrol command-level members together as they discuss different scenarios that the written agreement might apply to. Tragedies sometimes occur when officers pursue criminal suspects through traffic. Agreements, like this one in southwest Idaho, may lower this risk by keeping police pursuits coordinated, well managed, and as safe as possible. ♦

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*Chief Masterson heads the Boise, Idaho, Police Department.*

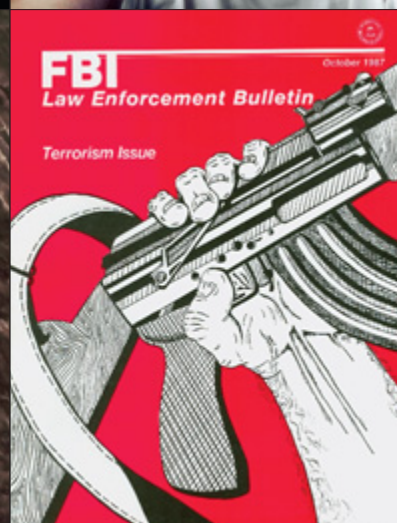
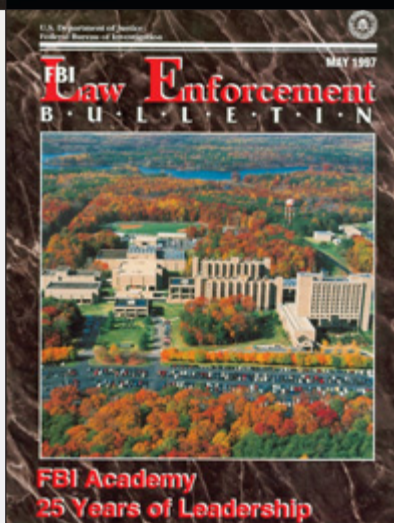
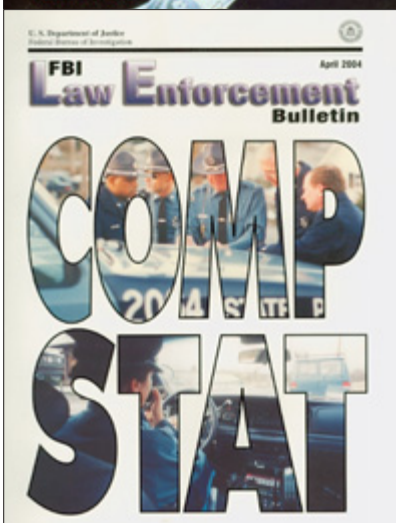
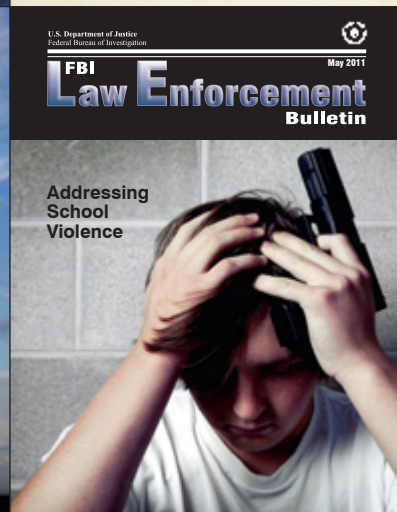
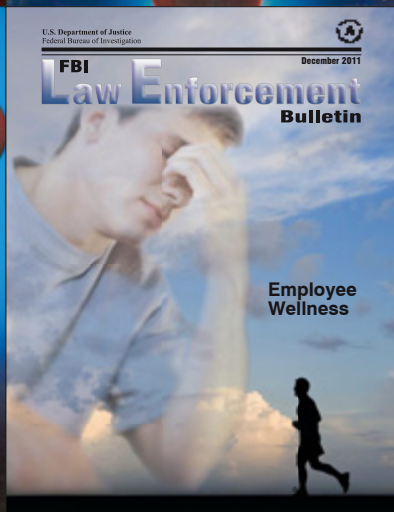
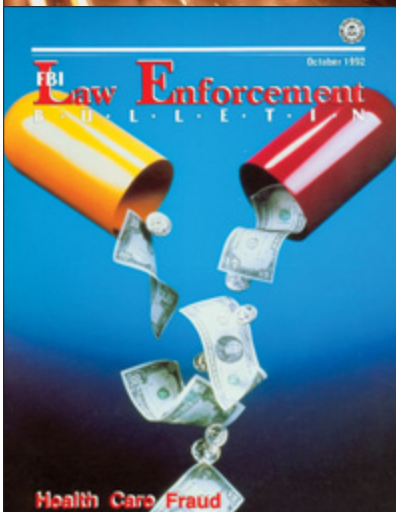
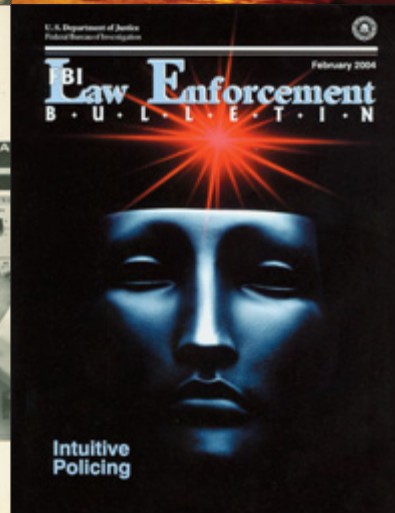
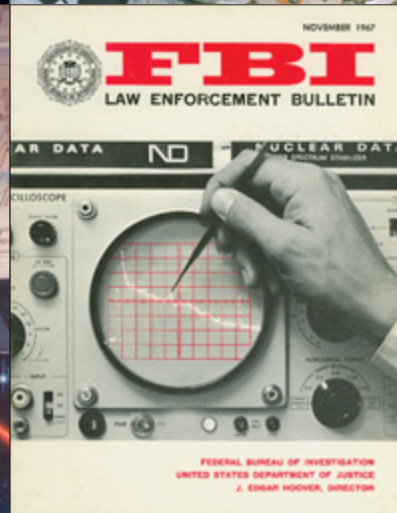
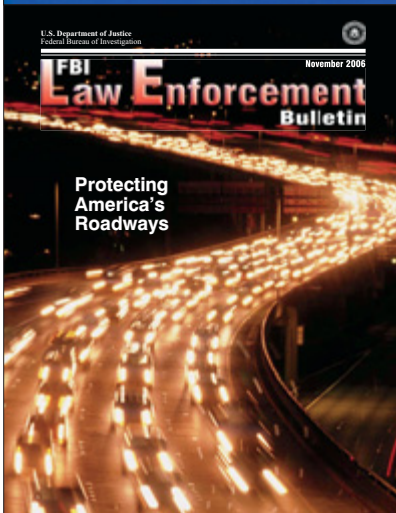
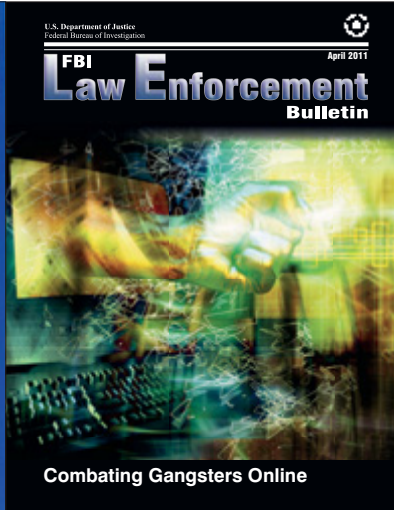
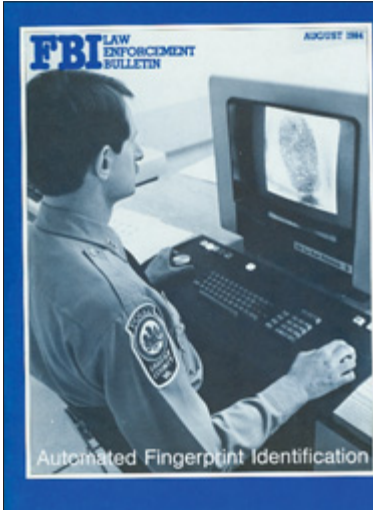
*Sheriff Raney heads the Ada County, Idaho, Sheriff's Office.*

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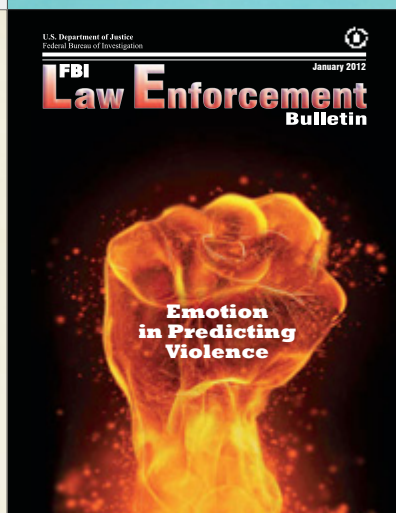
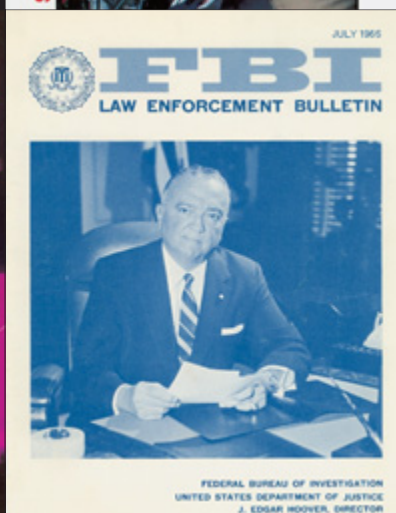
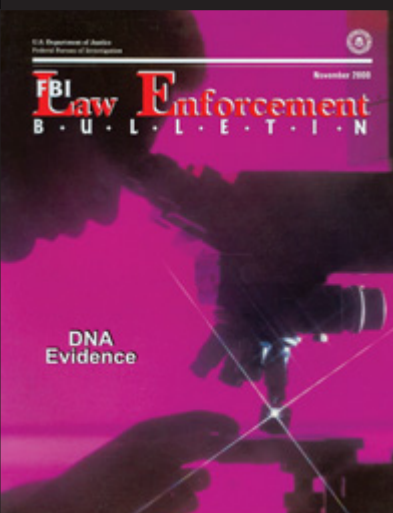
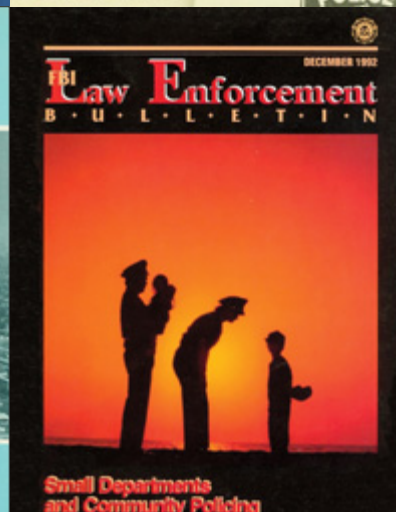
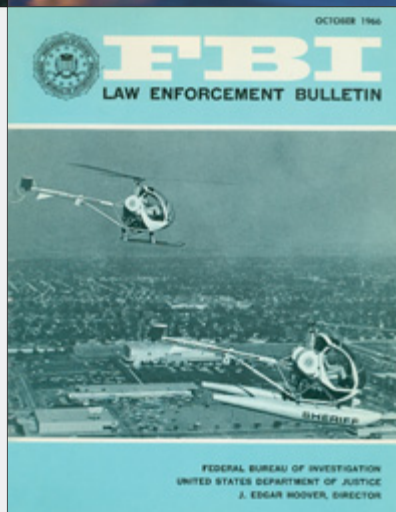
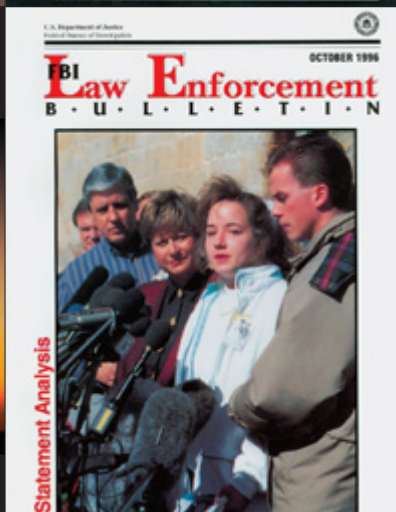
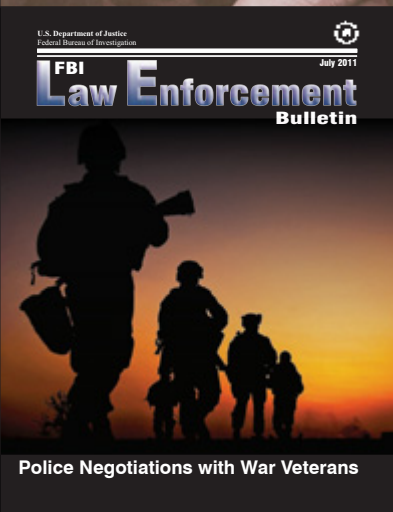
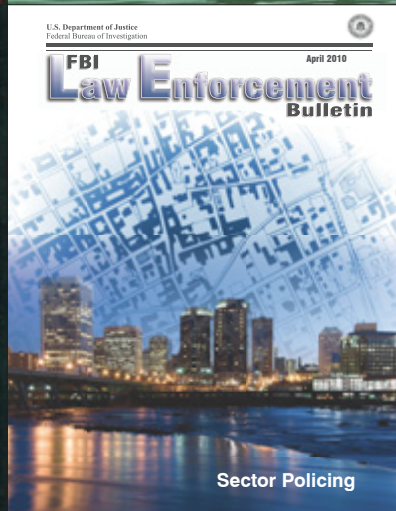
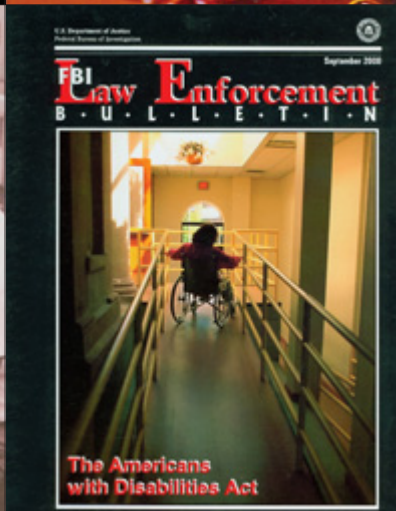
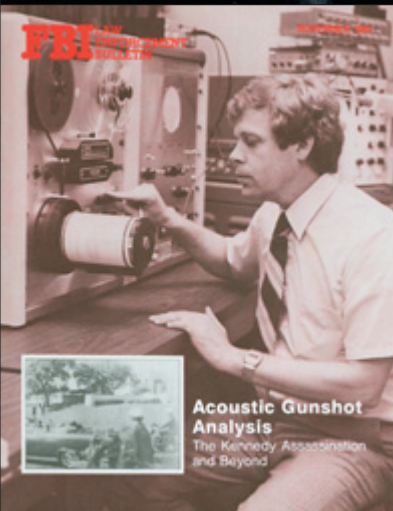
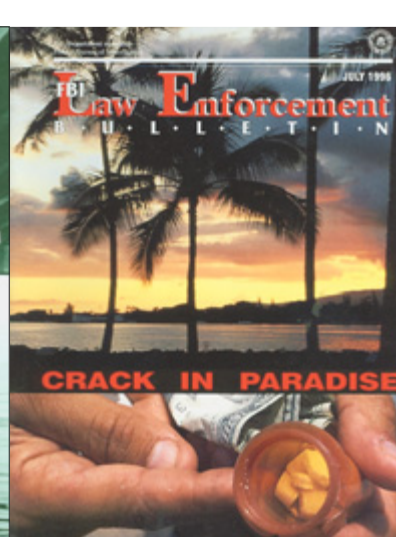
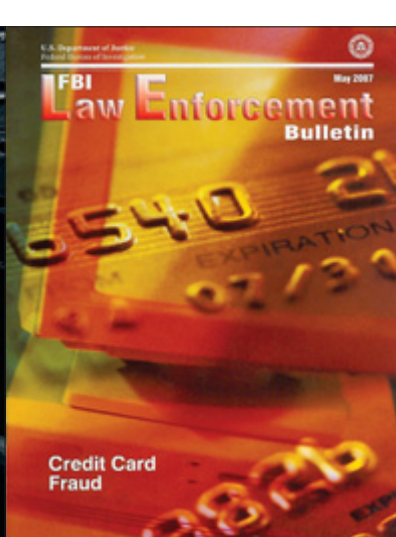
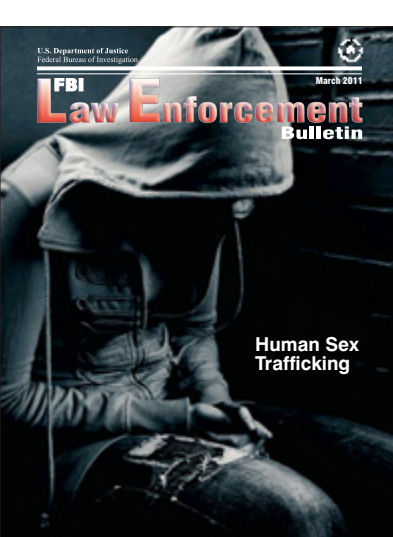
### **Cover Montage, pages 16-17**

The cover montage on the following pages primarily highlights covers from the last 30 years. The *Fugitives Wanted by Police* covers from 1932 to September 1935 featured only text. The magazine changed its name to the *FBI Law Enforcement Bulletin* in October 1935 and began including pictures of a fugitive on the cover until June 1938. From July 1938 until June 1965, the cover featured only logos. The first photographic covers began with the July 1965 issue, which featured a picture of former FBI Director J. Edgar Hoover. Those covers were either duotone or black and white until the first full color cover appeared on the January 1989 issue. There are plans to eventually scan and reprint the contents on the magazine's Web site of every issue of the magazine, including covers, going back to October 1932. Updates on the progress of this project will be posted on the site.











# Leadership Spotlight

## Doing the “Right Thing” for the Wrong Reasons Abuse of Police Discretion

**A**s an ethics instructor at the FBI National Academy in Quantico, Virginia, I labor to identify leadership models that will get the message across best, no matter the source. While thumbing through the Bible in the book of John, chapter 8, verses 1 through 11, I came across a powerful passage dealing with the abuse of discretion.

During those ancient times, a discussion occurred involving leaders who despised a man of moral authority. They discussed among themselves how to use an existing law and a woman—caught committing adultery—to achieve their legal, yet immoral goals.

Imagine the discussion these men may have had while developing their scheme. It could have followed an expected pattern. “Ok, guys, if we present this adulterous woman before Jesus and he says, ‘Let her go,’ we got him! The law requires that she must die, in which case Jesus is a fraud, and we can kill him, too. If he says, ‘Stone her,’ we still got him! Working on the Sabbath also is punishable by death. Do we all agree? Yes? Let’s go!”

Having agreed upon their plan, these leaders took this woman before Jesus with their followers, ready to evoke “street justice.” With confidence in their scheme, they posed a question. “Teacher, this woman was caught in the act of adultery. What saith thou?” There was just one problem with their scheme. Jesus knew that their motivations for evoking the law were, in fact, immoral. He bent down and wrote something in the sand. Then, Jesus stood up and simply said to the mob, “Let he who is without sin cast the first stone.”

Now, let us be logical for a moment. Any streetwise cop who ever has addressed a mob situation knows that evoking such words, even with a bullhorn, will not calm the crowd. This mob was being led by leaders on an immoral mission. Here is my question to you. What was Jesus writing in

the sand? The Bible does not address this. I believe that he was writing the names of the men who committed adultery with this woman, beginning with the leaders who engineered this legal mischief. In fact, the leaders of this travesty were “the first to depart” the scene. Again, a streetwise cop will tell you that anywhere the mob leaders go, the mob will follow.

Without preaching, Jesus was saying, listen, you guys! I know what you are trying to do! If you want me to evoke the law against her, I will evoke the law against you as well! In other words, how were these leaders able to catch her “in the act” of adultery unless they knew exactly where to find her and, perhaps, partake in the act with her. These men were using the might of the law—not to do right, but to be inhumane.

Could this happen in law enforcement today? Can we abuse our legal discretion to advance personal biases? No, you say? We will discuss racial or religious profiling during another Leadership Spotlight. For now, let us agree that being in law enforcement comes with tremendous authority and, perhaps, discretion.

Let me say this. Nowhere in this passage does Jesus say that the law should be ignored! However, more important, he is saying without preaching that our sense of humanity never should be sacrificed to advance immoral intent, especially while evoking the law. It is acceptable, however, to be humane! So, before crossing that biased line, we must ask ourselves the question “What does my humanity dictate?” That is not a religious question, but one of leadership. ♦

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*Special Agent J.E. Granderson, an instructor in Faculty Affairs and Development at the FBI Academy, prepared this Leadership Spotlight.*

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# ***Armored Car Industry Reciprocity Act and Local Law Enforcement***

By JEFFREY T. WENNAR, J.D.

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**A**s part of their job, armored car operators carry weapons to protect themselves and the valuables they transport. Federal laws serve the needs of these employees by giving them authority to carry handguns under proper conditions. By allowing armored car operators to do their job efficiently and safely, these federal laws also facilitate interstate commerce and, thus, a healthy economy. The armored car industry and

law enforcement agencies must understand these important laws and work together to ensure that they govern as intended.

## **States and Handguns**

Regarding concealed-carry permits for handguns, states differ in approach. Some constitute “shall issue” jurisdictions—they must grant the permit unless the applicant becomes disqualified by statute. Other states comprise “may issue” jurisdictions where they, as the issuing authority,

make the decision. In additional instances some states require no permit or license to carry a handgun either openly or concealingly.

One of the stricter issuing states, Maryland requires applicants to demonstrate a qualifying need and to undergo a criminal history check.<sup>1</sup> Further, the permit may have limits in its use, and persons must have it when possessing a handgun.<sup>2</sup>

Maryland law prohibits wearing, carrying, or transporting weapons—concealed or



open—on the person, in a vehicle, or on public school property.<sup>3</sup> However, statutes provide enumerated exceptions, including use by persons issued a permit; active assignment for law enforcement officers; transport to or from a place of legal purchase, bona fide repair shop, or bona fide place of business; active duty for members of the military; target practice for licensed users; safety-class transportation by bona fide gun collectors; maintenance on persons' property or business; operation by authorized supervisors during the course of employment within a business establishment; use as a signal or distress pistol; or transport by persons surrendering the weapon to law enforcement authorities.<sup>4</sup> In Maryland courts the accused have the burden of

proving eligibility for a particular exception.<sup>5</sup>

### Federal Law

In 1993 Congress enacted the Armored Car Industry Reciprocity Act (ACIRA).<sup>6</sup> The original act aimed to lift the burden created by states' diverse requirements for licensing and issuing permits to carry handguns and "allow armored car crew members to travel freely in interstate commerce" while protecting transported valuables.<sup>7</sup> The act provided, "This chapter shall supersede any provision of State law (or the law of any political subdivision of a State) that is inconsistent with this chapter."<sup>8</sup>

The industry and various states sought changes to the original act. Subsequently, Congress authorized changes

that resulted in the Armored Car Reciprocity Amendments of 1998.

a) IN GENERAL—If an armored car crew member employed by an armored car company—

1) has in effect a license issued by the appropriate State agency (in the State in which such member is primarily employed by such company) to carry a weapon while acting in the services of such company in that State, and such State agency meets the minimum requirements under subsection b) of this section; and

2) has met all other applicable requirements to act as an armored car crew member in the State in which such member is primarily employed by such company, then such crew member shall be entitled to lawfully carry any weapon to which such license relates and function as an armored car crew member in any State while such member is acting in the service of such company.<sup>9</sup>

For both the initial and subsequent license issuance, federal law relies on each state to determine to its own satisfaction that "the crew member has received classroom and range training in weapon safety



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**“The armored car industry and law enforcement agencies must understand these important laws and work together to ensure that they govern as intended.”**

and marksmanship during the current year from a qualified instructor for each weapon that the crew member will be licensed to carry.”<sup>10</sup> Licensees hold the duty of qualifying on every weapon they will carry each year. Each state must keep detailed records of any armored car crew member issued a permit in that jurisdiction, and those records must include every weapon the crew member received training on and when that instruction occurred.

The statute goes on to mandate “the receipt or possession of a weapon by the crew member would not violate Federal law, determined on the basis of a criminal record background check conducted during the current year.”<sup>11</sup> The issuing state must perform a criminal background check initially and for every subsequent renewal by the crew member. Any issuing state that is not a point of contact for the National Instant Criminal Background Check System (NICS) should contact the FBI directly to ascertain the applicant’s eligibility for the license or permit.<sup>12</sup>

### Case Examples

In *McGarvey v. Biswell*, the U.S. District Court for the Central District of Illinois decided a civil action by a father and son who alleged that as armored car crew members they had exemption from Illinois law.<sup>13</sup> The plaintiffs were driving a

load of meat in a semitractor trailer from Denver, Colorado, to the U.S. Mint in Philadelphia, Pennsylvania, when the Illinois State Police stopped them for speeding. According to one of the troopers, “the McGarveys wore street clothes, rather than the uniforms they were required to wear when hauling armored loads. The truck had some of

“

***...although the Act has been in place for almost 20 years, it still is misunderstood by the industry, as well as law enforcement agencies.***

”

the attributes common to armored vehicles—thick bullet-proof windshield glass, gun ports, and black borders around the windows—but did not look like a conventional...armored car.”<sup>14</sup> Authorities recovered loaded weapons from the vehicle.

The plaintiffs relied on an Illinois exception making the state law inapplicable to “guards of armored car companies, while actually engaged in their employment or commuting between their home and places of employment.”<sup>15</sup> They also cited the ACIRA.<sup>16</sup>

Assessing the defendants’ motion for summary judgment, the court stated, “[a]t the time of the arrest the plaintiffs were hauling frozen meat, a cargo which is not considered an armored load; they were dressed in street clothes rather than in the uniforms they are required to wear when hauling armored loads; and finally, they were driving an armored semitractor trailer rather than a more conventional...armored car.”<sup>17</sup> In granting the defendants’ motion for summary judgment, the court found that a law enforcement officer easily could have “concluded that plaintiffs were not acting as ‘armored car crew members’ or ‘guards of armored car companies’ or persons ‘actually engaged in the performance of’ driving ‘an armored car.’”<sup>18</sup>

In *Smith v. United States*, the District of Columbia Court of Appeals heard an argument regarding the applicability of the ACIRA.<sup>19</sup> The appellant, a former Washington, D.C., police officer, worked as an ATM technician while waiting for reinstatement to the department. Officers pulled him over when he failed to obey a stop sign. Then, they observed what they described as a fanny pack that looked similar to a holder for concealed weapons.<sup>20</sup> The appellant contended that his Virginia license permitting him to carry his firearm for employment was applicable under the



Act in the District of Columbia. The court, applying the facts elicited during a plea hearing to the appellant's appeal argument, found that he "was carrying his loaded weapon through the District on his way to his wife's house at 1 a.m. to 'sleep for a few hours and have breakfast with his daughter' the charges occurred several hours *before* appellant was planning to leave for work."<sup>21</sup> Smith was not in uniform nor in the service of his employer when stopped by police.

In another case, while inside a Maryland hospital restroom, a deputy sheriff noticed an individual wearing civilian clothing, as well as a handgun in a holster on his right hip. Confronted by the officer, the subject explained that he worked for an armored car transport company based in Virginia. However, no evidence indicated that he was on duty. He had no handgun permit on file with the Maryland State Police.

The defendant had a criminal history for possession of a concealed deadly weapon, theft, and failure to appear. A consent search of his vehicle, parked illegally in a fire lane outside the main lobby of the hospital, revealed over \$50,000 in U.S. currency, a bulletproof vest, and ammunition. Ultimately, he was charged with "wearing, carrying, or transporting a handgun."<sup>22</sup>

## Implications

Armored car companies must teach their employees that they may carry a firearm while acting in the service of the company as long as they have a license issued by an appropriate agency in the state of primary employment and the state's requirements comport with those at the federal level.<sup>23</sup> Further, crew members must have received classroom and range training in weapons safety and marksmanship during the current year from a qualified instructor for each weapon that the employee will be licensed to carry, and the receipt or possession of a weapon by the crew member must not violate federal law as determined by a criminal record check conducted during the current year.<sup>24</sup> The safety of employees and law enforcement officers depends on such ongoing training.

## Conclusion

The free flow of interstate goods is essential to a healthy economy. Congress acknowledged this when it passed the Armored Car Industry Reciprocity Act. However, although the Act has been in place for almost 20 years, it still is misunderstood by the industry, as well as law enforcement agencies. Armored car companies and police departments must work together to educate armored car crew members regarding the

circumstances in which the Act permits them to have a firearm on their person or in their possession. ♦

## Endnotes

<sup>1</sup> Maryland Public Safety Article §5-305 (2005).

<sup>2</sup> *Id.* at §5-307 and §5-309.

<sup>3</sup> Annotated Code of Maryland, Criminal Law Article, §4-203(a)(1)(i) and (ii) and (iii) (2005).

<sup>4</sup> *Id.* at §4-203(b); §4-203(b)(1); §4-203(b)(2); §4-203(b)(3); §4-203(b)(4); §4-203(b)(5); §4-203(b)(6); §4-203(b)(7); §4-203(b)(8); and §4-203(b)(9) (2005).

<sup>5</sup> *Sproates v. State*, 58 Md. App. 547, 473 A.2d 1289 (1984).

<sup>6</sup> 15 U.S.C. §5902 (a).

<sup>7</sup> U.S. House of Representative's *Report 105-6 from the Committee on Commerce, 25th of February, 1997* (Washington, DC); and U.S. Senate Report *105-297 from the Committee on Commerce, Science, and Transportation, 1st of September, 1998* (Washington, DC).

<sup>8</sup> 15 U.S.C. §5903.

<sup>9</sup> H.R. 624, 15th Congress (1998).

<sup>10</sup> *Supra* note 6.

<sup>11</sup> *Supra* note 6.

<sup>12</sup> Federal Bureau of Investigation, National Instant Criminal Background Check System Participation Map, <http://www.fbi.gov/about-us/cjis/nics/general-information/participation-map>.

<sup>13</sup> *McGarvey v. Biswell*, 993 F.Supp. 1198, 1203 (C.D. Ill., 1998).

<sup>14</sup> *Id.*

<sup>15</sup> 720 ILCS 5/24-2(a)(4).

<sup>16</sup> 15 U.S.C. §5902.

<sup>17</sup> *Supra* note 13.

<sup>18</sup> *Supra* note 13.

<sup>19</sup> *Smith v. United States*, 508 U.S. §223 (1993).

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> Annotated Code of Maryland, Criminal Law Article, §4-203.

<sup>23</sup> 15 U.S.C. §5902(b).

<sup>24</sup> *Id.*



## ***Bulletin Honors***

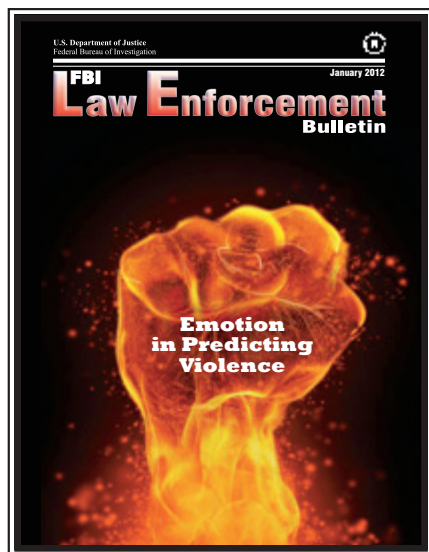


### ***Columbus, Ohio, Division of Police Memorial***

On May 26, 2000, the Columbus, Ohio Division of Police Memorial was dedicated. The original design was created by retired officer Tom Hayes who became the division's sketch artist after he was shot and paralyzed in 1979 when he responded to a disturbance between two teenagers. The monument features a bronze Columbus Division of Police badge with a black mourning band atop a gray granite pillar. The names of 52 fallen officers are inscribed on black granite panels. An inscription on the pillar reads, "Served Faithfully, Sacrificed Valiantly, Remembered Eternally, Dedicated to the Memory of Our Fellow Columbus Police Officers this 26th Day of May 2000." Tom Hayes' name was added to the memorial after he succumbed to his injuries on January 10, 2011. Through their kindness and generosity, active and retired police officers, civilian employees, family members, and friends of the Columbus Division of Police made the memorial possible. This lasting tribute to the officers who lost their lives in the line of duty is located on the bank of the Scioto River.



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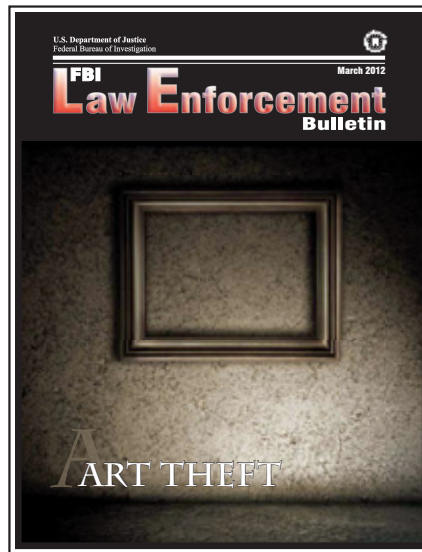
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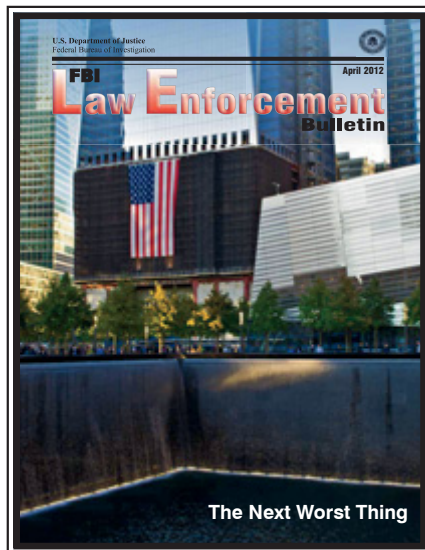
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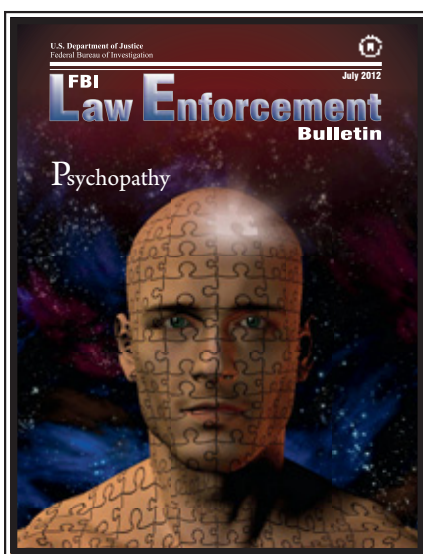
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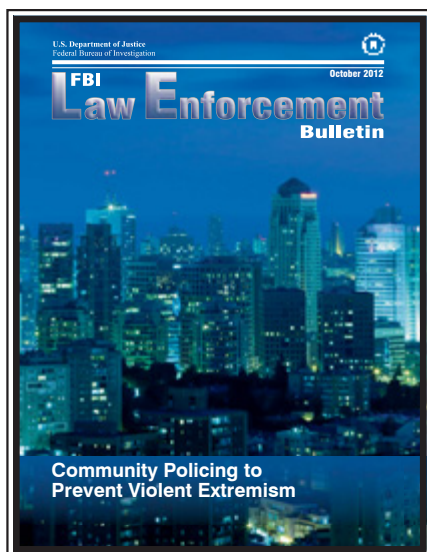
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## Bulletin Notes

Law enforcement officers are challenged daily in the performance of their duties; they face each challenge freely and unselfishly while answering the call to duty. In certain instances, their actions warrant special attention from their respective departments. The *Bulletin* also wants to recognize those situations that transcend the normal rigors of the law enforcement profession.



Officer Weissgerber

Officer Edward Weissgerber of the Brookfield, Illinois, Police Department responded to check on the well-being of the stepbrother of a local apartment tenant. The subject was visiting his stepsister's apartment to gather her belongings after her ex-boyfriend threatened to kill her 2 days before ending their relationship. As Officer Weissgerber arrived at the apartment, he made contact with the ex-boyfriend, who was standing inside the doorway near a large amount of blood on the floor. The ex-boyfriend attempted to shut the door, but the officer forced his way in and handcuffed the suspect. While doing so, he heard cries for help coming from a nearby bedroom. The stepbrother was found inside the bedroom closet, alive but stabbed seven times and hanging from a noose with his hands tied behind him. Officer Weissgerber cut the victim free and applied first aid measures while requesting medical assistance. The ex-boyfriend was subsequently charged with attempted murder and aggravated battery.



Trooper Larson

Trooper Craig Larson of the Wisconsin State Patrol arrived at the scene of a reported vehicle stuck in a snow-filled interstate median in northwestern Wisconsin. The occupants of the vehicle, two adults and three small children, were found uninjured and comfortably warm as they awaited a tow truck. Unknown to Trooper Larson, the compacted snow and a defective exhaust system caused carbon monoxide to permeate the vehicle's passenger compartment. As the tow truck arrived, he again made contact with the car's occupants, this time finding them unconscious and unresponsive. He and the tow truck driver removed the occupants from the car and began resuscitation. Trooper Larson performed CPR on all three children, ages 2, 3, and 4, simultaneously until they became responsive. Soon afterward, EMS arrived at the scene, and all occupants were taken to a local hospital where they were treated for carbon monoxide poisoning.

Nominations for *Bulletin Notes* should be based on either the rescue of one or more citizens or arrest(s) made at unusual risk to an officer's safety. Submissions should include a short write-up (maximum of 250 words), a separate photograph of each nominee, and a letter from the department's ranking officer endorsing the nomination. Submissions can be mailed to the Editor, *FBI Law Enforcement Bulletin*, FBI Academy, Quantico, VA 22135, or e-mailed to [leb@ic.fbi.gov](mailto:leb@ic.fbi.gov). Some published submissions may be chosen for inclusion in the Hero Story segment of the television show "America's Most Wanted."



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## Patch Call



The Port Huron, Michigan, Police Department was established in 1881 and is nationally accredited by the Commission on Accreditation for Law Enforcement Agencies (CALEA). Its patch proudly depicts these achievements alongside the historic Fort Gratiot Lighthouse, the first of its kind in Michigan. Built in 1829, the lighthouse marks the channel into the St. Clair River from Lake Huron and is still active. Port Huron is considered the "Maritime Capital of the Great Lakes."



Anson County, North Carolina, is located on the southern border of the state and makes up 553 square miles of rural countryside. Established in 1750 the county initially stretched from the Atlantic Ocean to the Mississippi River. The patch of the Anson County Sheriff's Office depicts a vast pine forest amidst a wide open, blue sky and one of the rivers that border the county. Also featured is a soaring bald eagle, often found along the area's rivers.